

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

16 JULY 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Thomas M. Phillips, and Donald R. Vaughan. Absent: Councilmembers Belvin J. Jessup and Robert V. Perkins excused by action of Council. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Katie Herring, employee in the Planning Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Burroughs-White moved that Councilmembers Jessup and Perkins be excused from attendance at this meeting. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Kathleen Hoskins-Smith representing Greensboro's MWBE Program, recognized Odessa Kimber, owner of Kimber Guard and Patrol, Inc.; she spoke to the success and uniqueness of this company that was owned and operated since its creation in 1971 by an African-American woman. Ms. Hoskins-Smith provided a brief history of the City's MWBE program; spoke to the opportunity provided by the MWBE program this and other minority and women-owned business identified as companies that needed the opportunity to do business with the City; and noted the current level of security service provided by this company at various City facilities. Stating she had known Ms. Kimber for many years, Councilmember Johnson detailed their work and successful efforts to start the Sickle Cell effort in Greensboro and spoke to Ms. Kimber's significant accomplishments and contributions to the City.

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In keeping with his plans to recognize *Unsung Heroes* among City employees, the Manager recognized and presented certificates to Parks and Recreation Department Employees, Spencer Abraham, Roland Haith, Thomas Haste & Brian Burgess (not present at the meeting) who were credited with using their lifesaving skills to revive Andrew Solomon who nearly drowned at Peeler Recreation Center. He also recognized Jackie Branch, supervisor at the Center, and commended her efforts to ensure that these individuals received the appropriate training.

Later in the meeting, Robert Douglas, member of the Red Cross Board of Directors, commended these individuals for their successful lifesaving efforts and presented each with a Certificate of Recognition from the Red

Cross. Mary Eubanks of the Red Cross organization was also in the Chamber for the presentation. Mr. Douglas also detailed the services and programs offered by the Red Cross.

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After brief comments by Mayor Holliday, Councilmember Gatten introduced and read into the minutes a resolution honoring the memory of the late Leah Louise Baach Tannenbaum. She also recognized Jean Tannenbaum, Leah Tannenbaum's daughter who was present in the Chamber. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

121-02 RESOLUTION HONORING THE MEMORY OF THE LATE LEAH LOUISE BAACH TANNENBAUM

WHEREAS, on June 21, 2002, this community lost one of its most outstanding civic leaders with the death of Leah Louise Baach Tannenbaum at the age of 87;

WHEREAS, a native of Pocahontas, Virginia, Ms. Tannenbaum moved to Greensboro in 1924, where she was a graduate of Greensboro Senior High School and received a BA from Goucher College;

WHEREAS, Ms. Tannenbaum, committed to Greensboro and a community leader for more than six decades, is most remembered for her support of the arts, mainly the Eastern Music Festival that she supported for all of its 40-year history where she served as festival chairwoman and was awarded the first EMF Lifetime Achievement Award in 1995, an honor created for her;

WHEREAS, known as a woman who loved life, she devoted herself to civil rights, education and the arts, working tirelessly for the causes in which she believed giving endlessly, not only financially, but graciously, of herself with her cheerful energetic nature;

WHEREAS, a devoted mother of four, Leah was an advocate of children's issues and was instrumental in assisting local leaders organize Head Start and United Day Care Services in the 1960's;

WHEREAS, throughout her life she served as chairman of the board of the Eastern Music Festival, trustee of Greensboro College and the Tannenbaum-Sternberger Foundation, director of Weatherspoon Art Museum, past director of the United Arts Council of Greensboro and the Adult Enrichment Center and held dozens of other volunteer jobs;

WHEREAS, committed to her faith and heritage as well as the idea that God put us here to make a positive difference in the lives of others, Leah was a dedicated member of Temple Emanuel, where she was a past president of the Sisterhood;

WHEREAS, her good works earned her the Brotherhood Citation Award of the NCCJ; the O.Henry award for cultural development from the Greensboro Area Chamber of Commerce; the Anti-Defamation League's Americanism Award; the Lifetime Achievement Award from the Eastern Music Festival; the Hannah G. Solomon Award for community service from the National Council of Jewish Women; and an honorary Doctorate of Humane Letters from Greensboro College as well as many others;

WHEREAS, the City Council wishes to express its great sense of loss and its sincere appreciation and gratitude for the many outstanding contributions she made to this community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;
THAT,

1. The City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life and memory of Leah Louise Baach Tannenbaum, and

2. A copy of this resolution shall be delivered to the family of the late Leah Louise Baach Tannenbaum as a symbol of gratitude of this Council and of the people of Greensboro for her many outstanding contributions to this community.

(Signed) Yvonne J. Johnson

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The City Manager and Allan Williams, Water Resources Department Director, presented an extensive update on Greensboro's water supply. They spoke to Greensboro's ongoing efforts to ensure an adequate water supply and reviewed City drought response efforts; i.e. purchase of water from other municipalities, the construction of the Randleman Dam, and changes to the water pricing structure to charge lower rates for those users who save water. Mr. Williams provided information with respect to the exceptional drought conditions, current status of water available in Greensboro's lakes, record low stream flows, and positive impact the purchase of water from other municipalities had on Greensboro's available water supply. City Manager Kitchen and Mr. Williams commended Greensboro water users for their extraordinary water conservation efforts.

Speaking to the importance of being prepared for the future, the City Manager and Mr. Williams introduced new initiatives to assist providing an additional future water supply for Greensboro. They detailed action to be taken by the City to obtain emergency water from the Haw River in Guilford County and unveiled a new community-wide campaign encouraging water users to keep water consumption under 30 million gallons per day (MGD) to delay progression to stricter stages of the ordinance and to ensure the current water supply lasted until the winter rains. Noting the campaign slogan "Keep It Under 30", the Manager reported that Jefferson Pilot and the Coliseum would display on their marquees the millions of gallons consumed the previous day. He also advised that updates with respect to Greensboro's water supply would be provided at each meeting of Council.

The Manager introduced a new video entitled *Conservation Counts* and commended the staff Organizational Development & Communications Department for their excellent work in creating the video. He advised this video would be televised on Channel 13 to provide citizens with information about the drought situation and encourage water conservation.

After the above presentation, the Manager advised that staff proposed the Council consider adopting two resolutions related to Greensboro's water supply at this meeting. Exercising the prerogative of the Chair, Mayor Holliday stated that Council would consider the resolutions at this time. He thereupon introduced a resolution commending conservation efforts of the citizens of Greensboro and setting a goal for water use of less than 30 million gallons per day. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

122-02 RESOLUTION COMMENDING CONSERVATION EFFORTS OF THE CITIZENS OF GREENSBORO AND SETTING A GOAL FOR WATER USE OF LESS THAN 30 MILLION GALLONS PER DAY

WHEREAS, the City of Greensboro has been affected by drought conditions which began in 1998 and became pronounced in September of 2001;

WHEREAS, the citizens of the City have complied with the mandatory water restrictions and, in some cases, gone beyond mandated actions to reduce water consumption as a community;

WHEREAS, due to their compliance with the restrictions, water demand from the City has been reduced by approximately 30 percent of the expected demand during the summer enabling the City to maintain sufficient water supply through the summer and fall if the current drought continues;

WHEREAS, it is the goal of the City to sustain water demand at a weekly average of 30 million gallons per day or less to avoid enacting Stag IV restrictions until the early fall or to be avoided entirely given favorable rainfall.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the citizens of Greensboro are to be commended for the cooperative spirit during the drought conditions and encouraged to assist in any way possible in maintaining a goal for water use of less than 30 million gallons per day to avoid more restrictive mandatory water use rules.

(Signed) Claudette Burroughs-White

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The Mayor thereupon introduced a resolution authorizing the City Manager to enter into certain contracts, acquire necessary permits, and do any other act necessary to obtain water from the Haw River in Guilford County. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

123-02 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN CONTRACTS, ACQUIRE NECESSARY PERMITS, AND DO ANY OTHER ACT NECESSARY TO OBTAIN WATER FROM THE HAW RIVER IN GUILFORD COUNTY

WHEREAS the City of Greensboro operates a public water supply and distribution system for the health, safety and welfare of its citizens and certain portions of Guilford County;

WHEREAS the major source of raw water for the public system is the Greensboro watershed, which water is trapped from rain in three City Reservoirs known as Lakes Higgins, Brandt, and Townsend;

WHEREAS there have been, over the past several years, severe drought conditions in the central portion of North Carolina, including the area in and around Guilford County and the City's watershed;

WHEREAS the City has adopted an Emergency Water Conservation and Restriction Plan to protect its water supply, which Plan, imposes increasingly severe restrictions upon users from the City's water supply system as the supply diminishes; and whereas various stages of the Plan have been in use during the last four years;

WHEREAS the City has also, by certain intercity contractual arrangements, provided for supplements to the City's water supply from neighboring Cities, which supplements, although helpful, have not resolved the City's critical water shortage;

WHEREAS a recent agreement with the City of Burlington for the provision of additional water and the beginning of construction on the long sought after Randleman Dam and Reservoir will provide relief from the extreme conditions, these additions will not be available for several years;

WHEREAS there are no significant signs of immediate relief from the current drought and the citizens of Greensboro and the served portions of Guilford County continue to make increasingly severe sacrifices to conserve water;

WHEREAS a breakdown of the public water supply system will adversely effect the ability of the City's system to provide for the public health, welfare, and safety of those customers using it;

WHEREAS there is a source of water within Guilford County in the Haw River at an abandoned damn site which can provide additional water in time of emergency and to aid in refilling the City's reservoirs during times of sufficient flow and it is the opinion of this Council that such source ought to be accessed for such purposes upon appropriate approval by the State and other governmental agencies, and that the City Manager ought to be authorized by this Council to enter into certain contracts, apply for necessary permits, submit necessary plans and do any other act necessary to gain access to the Haw River as a water source;

NOW THEREFORE BE IT RESOLVED that: Consistent with the purpose of obtaining water from the Haw River in Guilford County and transporting such water to the reservoirs of the water supply system of the City of

Greensboro for treatment for public use, the City Manager is hereby authorized to enter into, and execute on behalf of the City, the following:

1. Contracts for the purchase of materials and supplies necessary for the collection and transport of water;
2. Construction contracts for the facilities necessary for the collection, pumping and receiving water into the City's public water supply and distribution system;
3. Applications, and any other action necessary, for the obtaining of the required governmental permits and approvals, and amendments of water plans to extract water for the stated purposes;
4. Professional, and other, service contracts including, but not limited to engineering, surveying, and architectural contracts. For this purpose, and pursuant to N.C.G.S. § 143-64.32(b), this project is exempted from the procurement procedures set out in Article 3D of Chapter 143 of the N.C. General Statutes. This exemption is based upon the conditions hereinbefore set out and is to expedite the water project and avoid danger to public health, welfare, and safety.
5. All contracts for the acquisition of land, or interests in land, shall remain subject to final approval of this Council.

The City Manager is also hereby authorized to do any other act authorized in law to accomplish the purposes set out herein.

(Signed) Yvonne J. Johnson

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The Mayor declared a recess at 7:30 p. m.

The meeting reconvened at 7:45 p. m. with all Council members present except Councilmembers Jessup and Perkins who were excused earlier in the meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits for property located on the west side of Rankin Mill Rd.- 78.09 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located northwest of the intersection of Huffine Mill Road and Callan Drive, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning Heavy Industrial for property located on the west side of Rankin Mill Road north of Huffine Mill Road and an ordinance granting Special Use Permit for Mining and Quarrying Operations (borrow site for soil) for property located on the west side of Rankin Mill Road north of Huffine Mill Road. The Mayor advised these matters had been continued from the June 4, 2002 Council meeting.

Mayor Holliday administered the oath to those members of City staff who planned to speak to these items.

After the City Manager stated Mitchell Johnson, Assistant City Manager, and Jeryl Covington, Environmental Services Department Director, had worked closely with the neighborhood after the June 4 meeting, he asked Assistant City Manager Johnson to provide an update.

Assistant City Manager Johnson spoke to staff's request on June 4 for these items to be continued to allow staff the opportunity to address concerns of the community and Council voiced at that meeting and bring back a proposal for Council's consideration. Advising that staff had prepared a response to the desire of Council and the community to have a permanent walking trail in the natural buffer area in the landfill area, he stated Mike Simmons, Lakes and Trails Director for the Parks and Recreation Department, would review the trail concept proposed for this area.

Mr. Simmons spoke to the history of the trail system in Greensboro, detailed staff's efforts to identify and address areas of the community that were not served and could benefit from trails to link communities, and noted ongoing efforts to enhance the existing Greensboro trail system through partnerships with the private sector.

Mr. Simmons provided a PowerPoint presentation to introduce the conceptual route options for the proposed Northeast Community Walking Trail. He explained and discussed the trail with Council, identified potential routes, and described the proposed amenities package—plantings, paving, etc. Mr. Simmons used slides of other Greensboro trails for illustrative purposes; spoke to staff's efforts to save existing trees; noted the trail system would include an educational component to identify trees, wildlife, rules, etc.; and stated that benches would be provided at appropriate locations along the trail. Mr. Simmons also provided information about the length of the trail as well as the approximate cost and funding sources for the project. In response to Council inquiries, he noted that the proposal had been shared at three public meetings to provide information to interested parties and to receive citizens' input. He also stated that staff believed the proposed route was the most desirable route to connect with Greensboro's other walking trails.

In response to Councilmember Phillips' inquiry with regard to the location of a walking trail near the landfill after Council had received complaints from residents about the landfill and problems that emanated from that site; i.e., odors, wild animals, rodents, etc., Ms. Covington described the location of the proposed walking trail in proximity to the landfill. Stating staff had taken residents' concerns seriously, she noted that the landfill was being operated differently and that staff had worked to address those concerns.

Speaking to the large amount of soil needed by the landfill, Ms. Covington reviewed the original request to use the property as a soil resource for the daily operational needs of the landfill. She spoke to the current process of purchasing soil from outside sources, the number of trips per day for trucks to transport the soil to the landfill, cost estimates for the purchase and transport of the soil, and the proposal to use a portion of the landfill buffer to provide a walking trail. Ms. Covington reiterated that staff was not proceeding with any permitting for expansion of the landfill.

During staff presentations, members of Council discussed various opinions and concerns about the location of the proposed trail near the landfill.

Ms. Covington requested that Council amend condition #8 contained in the proposed Special Use Permit ordinance to read as follows:

8) A minimum 500' undisturbed buffer shall be maintained and an additional 100' buffer adjacent to Huffine Mill Road and Rankin Mill Road shall be maintained for a total undisturbed buffer on 600', except as provided in #12-16 below.

She also requested the following conditions be added to the Special Use Permit Ordinance:

12) A 10' wide asphalt trail will be installed beginning on the east side of Nealtown Road across from Nealtown Park meandering in an east, northeast direction to connect with Keeley Park in the approximate location as shown on the attached map with design work to begin within 3 months and construction complete by August 2003;

13) There will be a 10' maintenance area provided on each side of the trail;

14) Trees may be removed as necessary within the 30' area;

15) Area will be supplemented with plantings and 16) A parking area for access to trail may be provided.

Councilmember Phillips moved that Council amend the proposed Special Use Permit ordinance as requested by Ms. Covington. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

After asking if anyone wished to be heard, Mayor Holliday administered the oath to citizens who wished to speak to these items.

H. C. Fields, residing at 1903 Belden Drive and representing the Concerned Citizens of Northeast Greensboro, spoke in favor of the four items and advised a number of northeast area residents were present in the Chamber. Mr. Fields commended Council for providing enhanced services in the Northeast area, advised he understood that Council would close the landfill, and stated that the proposed trail would provide a safe walking environment for citizens.

Valerie Niles, residing at 2008 Lynn Road, offered her personal thoughts and opinions about numerous issues related to the landfill and proposed walking trail; i.e., purchase of area property, proposed location of the trail, health issues, cost of landfill operation, the location of the fence in the buffer area, etc. In rebuttal, Ms. Niles spoke to the location of the fence around the landfill and offered additional personal thoughts.

Kenneth Curl, residing at 2009 Huffine Mill Road, spoke in opposition to the landfill items and expressed concern with respect to the location and visibility of the fence surrounding the landfill.

Mike Curl, residing at 1214 Rankin Mill Road, spoke in opposition to the proposed items and expressed concern with regard to the following: location and visibility of the fence surrounding the landfill, the City's use of a small pond on the property for dust control, odor from the property, undesirable land uses in the area, etc. Mr. Curl offered his personal thoughts with regard to the City policy for acquisition of property for landfill purposes. In rebuttal he offered suggestions for the location of the fence and reiterated his earlier concerns.

There being no one else indicating a desire to speak to these matters, Councilmember Burroughs-White moved that the public hearing for landfill related items 9, 10, 11, and 12 be closed. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Lengthy Council discussion ensued with regard to various opinions and concerns related to the current location and potential relocation of the existing fence around the landfill, the proposed Northeast Community Walking Trail, the removal of trees in the landfill area, the legal process followed by the City to have property appraised and condemn property, the use of bond funds for trails in the community, etc. In response to Council inquiry, the City Attorney advised Council could add conditions to the Special Use Permit. Councilmember Johnson stated that she was aware that this Council could not commit/bind future Councils but expressed her desire to add a condition to Item #12-Special Use Permit-that stated the property proposed for special use could not be used as a landfill.

Speaking to the process that could be used to relocate the fence around the landfill to preserve trees and a visual barrier, Ms. Covington explained that the City was legally required to secure the landfill. Ms. Covington stated that staff was aware that Duke Power had removed trees from areas around power lines and was working with that Company with regard to future clearing of vegetation for power lines. She also stated that the map illustrated the proposed walking trail that would vary to maintain trees. Ms. Covington reiterated that the City must comply with all mandatory State of North Carolina requirements; i.e., security of landfill site, dust control, groundwater monitoring system, etc.

Assistant City Manager Johnson reiterated the City's responsibility to protect the unoccupied, landfill property and stated that failure to do so would create problems. Speaking to the relocation of the fence surrounding the landfill, Assistant City Manager Johnson advised the City's goal was to provide a dense, vegetative buffer, protect the property from inappropriate uses; and provide a walking trail for area citizens

Mr. Martin stated that staff recommended approval of these ordinances. After he suggested that for clarification purposes, Council consider adding the phrase "with design work to begin within 3 months and construction complete by August 2003" be added to condition #12 in the Special Use Permit ordinance, Councilmember Phillips moved that the ordinance be amended as suggested by Mr. Martin. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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(A copy of presentations related to the landfill items and proposed walking trail is filed in Exhibit Drawer N, Exhibit Number 40, which is hereby referred to and made a part of these minutes.)

Councilmember Vaughan moved adoption of the ordinance annexing territory to the corporate limits for property located on the west side of Rankin Mill Rd.- 78.09 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

02-132 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF RANKIN MILL ROAD – 78.09 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of April 30, 2002), said point being the northwest terminus of the 50 foot dedicated right-of-way of Hadley Street, which has not been constructed, said beginning point also being the southwest corner of ACL 4-189-464-N-26, recorded in Deed Book 4427, Page 205 in the Office of the Register of Deeds of Guilford County, North Carolina; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following 12 courses and distances: N 03° 39' 30" E 105.94 feet to a point, N 04° 03' 50" E 205.06 feet to a point, N 02° 53' 17" E 53.84 feet to an existing iron pipe, N 03° 49' 19" E 279.33' feet to a point, N 03° 45' 17" E 496.77 feet to a point, N 04° 24' 44" E 39.35 feet to an existing iron pipe, N 04° 24' 52" E 295.48 feet to an existing iron pipe, N 04° 28' 57" E 241.93 feet to an existing iron pipe, N 03° 42' 43" E 141.95 feet an existing iron pipe, N 03° 21' 40" E 212.60 feet to an existing pipe, N 02° 40' 23" E 130.15 feet to a an existing iron pipe, N 02° 40' 23" E 353.36 feet to a point in the south line of Everett R. and Ruby Kernodle (ACL 4-189-463-14), as recorded in Deed Book 1309, Page 554 in the Office of the Register of Deeds, said point also being located S 86° 27' 33" E 195.61 feet from an existing iron pipe being the southwest corner of Kernodle; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 86° 27' 33" E 1263.39 feet along Kernodle's south line to a point; thence along the west line of ACL 4-189-436-38, an east line of Kernodle, N 15° 45' 52" E 200.00 feet to the northwest corner of said ACL 4-189-436-38, a corner with Kernodle; thence along the north line of said ACL 4-189-436-38, a south line of Kernodle, S 86° 27' 33" E 448.69 feet to a point in the western right-of-way line of Rankin Mill Road, having a 60 foot right-of-way; thence along said western right-of-way line the following eight courses and distances: S 16° 18' 34" W 200.42 feet, S 13° 22' 32" W 327.57 feet, S 11° 42' 04" W 133.97 feet, S 14° 05' 46" W 208.73 feet, S 15° 26' 50" W 139.09 feet, S 19° 59' 20" W 125.00 feet, S 19° 56' 19" W 131.60 feet, S 20° 14' 34" W 381.34 feet, S 20° 26' 51" W 216.38 feet to point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 85° 35' 07" W 208.02 feet to a point; thence along said existing city limits line being 200 feet west of and normal to the western right-of-way line of Rankin Mill Road and then the northwestern right-of-way line of Huffine Mill Road the following seven courses and distances: S 20° 58' 57" West 157.74 feet to a point in the south line of ACL 4-189-464-N-13, S 21° 28' 26" W 148.43 feet to a point, S 25° 38' 59" W 62.71 feet to a point in the south line of ACL 4-189-464-N-14, S 30° 05' 30" W 63.57 feet to a point in the south line of ACL 4-189-464-N-15, S 34° 09' 30" W 106.19 feet to a point in the west line of ACL 4-189-464-N-9, S 20° 17' 59" W 109.76 feet to a point, S 45° 50' 39" W 313.00 feet to a point in the north line of Holy Temple Church; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said north line of Holy Temple Church N 69° 58' 51" W 157.44 feet to the northern corner of Holy Temple Church; thence along the northwest line of Holy Temple Church S 50° 25' 50" W 200.20 feet to a point in the northern right-of-way line of Hadley Street, said point being the western corner of Holy Temple Church; thence along said northern right-of-way line N 88° 50' 36" W 384.67 feet to the point and place of beginning, and containing 78.09 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 9/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 2002.

(Signed) Donald R. Vaughan

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located northwest of the intersection of Huffine Mill Road and Callan Drive. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

02-133 AMENDING OFFICIAL ZONING MAP

NORTHWEST OF THE INTERSECTION OF HUFFINE MILL ROAD AND CALLAN DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of April 30, 2002), said point being the northwest terminus of the 50 foot dedicated right-of-way of Hadley Street, which has not been constructed, said beginning point also being the southwest corner of ACL 4-189-464-N-26, recorded in Deed Book 4427, Page 205 in the Office of the Register of Deeds of Guilford County, North Carolina; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 03° 39' 30" E 105.94 feet to a point; thence N 04° 03' 50" E 205.06 feet to the northwest corner of ACL 4-189-464-N-26; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in an easterly direction along the north lines of said lot and of ACL 4-189-464-N-17, recorded in Deed Book 4982, Page 1804 in the Office of the Register of Deeds, approximately 870 feet to point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS, said existing city limits line being 200 feet west of and normal to the western right-of-way line of Huffine Mill Road, S 45° 50' 39" W 313.00 feet to a point in the north line of Holy Temple Church; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along said north line of Holy Temple Church N 69° 58' 51" W 157.44 feet to the northern corner of Holy Temple Church; thence along the northwest line of Holy Temple Church S 50° 25' 50" W 200.20 feet to a point in the northern right-of-way line of Hadley Street, said point being the western corner of Holy Temple Church; thence along said northern right-of-way line N 88° 50' 36" W 384.67 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Stating that she wanted Council to consider an amendment to Item #12 prior to Council action on Item #11, Councilmember Johnson moved to amend Item #12, Special Use Permit, to add the following condition: #17) None of

this property can ever be used as a landfill cell. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning Heavy Industrial for property located on the west side of Rankin Mill Road north of Huffine Mill Road. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: Burroughs-White.

02-134 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF RANKIN MILL ROAD NORTH OF HUFFINE MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning Heavy Industrial uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of April 30, 2002), said point being the northwest corner of ACL 4-189-464-N-26, recorded in Deed Book 4427, Page 205 in the Office of the Register of Deeds of Guilford County, North Carolina; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following 10 courses and distances: N 03° 39' 30" E 105.94 feet to a point, N 04° 03' 50" E 205.06 feet to a point, N 02° 53' 17" E 53.84 feet to an existing iron pipe, N 03° 49' 19" E 279.33' feet to a point, N 03° 45' 17" E 496.77 feet to a point, N 04° 24' 44" E 39.35 feet to an existing iron pipe, N 04° 24' 52" E 295.48 feet to an existing iron pipe, N 04 28' 57" E 241.93 feet to an existing iron pipe, N 03° 42' 43" E 141.95 feet an existing iron pipe, N 03° 21' 40" E 212.60 feet to an existing pipe, N 02° 40' 23" E 130.15 feet to a an existing iron pipe, N 02° 40' 23" E 353.36 feet to a point in the south line of Everett R. and Ruby Kernodle (ACL 4-189-463-14), as recorded in Deed Book 1309, Page 554 in the Office of the Register of Deeds, said point also being located S 86° 27' 33" E 195.61 feet from an existing iron pipe being the southwest corner of Kernodle; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 86° 27' 33" E 1263.39 feet along Kernodle's south line to a point; thence along the west line of ACL 4-189-436-38, an east line of Kernodle, N 15° 45' 52" E 200.00 feet to the northwest corner of said ACL 4-189-436-38, a corner with Kernodle; thence along the north line of said ACL 4-189-436-38, a south line of Kernodle, S 86° 27' 33" E 448.69 feet to a point in the western right-of-way line of Rankin Mill Road, having a 60 foot right-of-way; thence along said western right-of-way line the following eight courses and distances: S 16° 18' 34" W 200.42 feet, S 13° 22' 32" W 327.57 feet, S 11° 42' 04" W 133.97 feet, S 14° 05' 46" W 208.73 feet, S 15° 26' 50" W 139.09 feet, S 19° 59' 20" W 125.00 feet, S 19° 56' 19" W 131.60 feet, S 20° 14' 34" W 381.34 feet, S 20° 26' 51" W 216.38 feet to point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 85° 35' 07" W 208.02 feet to a point; thence along said existing city limits line being 200 feet west of and normal to the western right-of-way line of Rankin Mill Road and then the northwestern right-of-way line of Huffine Mill Road the following seven courses and distances: S 20° 58' 57" West 157.74 feet to a point in the south line of ACL 4-189-464-N-13, S 21° 28' 26" W 148.43 feet to a point, S 25° 38' 59" W 62.71 feet to a point in the south line of ACL 4-189-464-N-14, S 30° 05'30" W 63.57 feet to a point in the south line of ACL 4-189-464-N-15, S 34° 09' 30" W 106.19 feet to a point in the west line of ACL 4-189-464-N-9, S 20° 17' 59" W 109.76 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a westerly direction along the north lines of ACL 4-189-464-N-17, recorded in Deed Book 4982, Page 1804 in the Office of the Register of Deeds, and ACL 4-189-464-N-26 approximately 870 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Carmany moved that the ordinance, as amended, granting a Special Use Permit for use of this property for Mining and Quarrying Operations be approved based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the use of the property for borrow activities and no use of public streets to transport the soil cover materials will be permitted.
- 2) That the use will meet the restrictions imposed by the applicant which state that the property will be limited to a borrow site for soil, that use of public streets has been prohibited and access controls have been provided, that hours of operation will be limited, that dust control and sediment control measures have been provided, that undisturbed buffers supplemented by additional plantings will be provided, and that chain link fencing will be installed.
- 3) The use is a public necessity because the ability to use this property for borrow soil is necessary to meet operational requirements for providing landfill cover material in a safe, economical and efficient manner.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the property is contiguous to the existing landfill which promotes the safe and efficient provision of the needed soil cover material in order to maintain regulatory compliance.

The motion was seconded by Councilmember Phillips. Because the vote did not display correctly, Councilmember Vaughan moved that the Clerk be instructed to clear the Board. The motion was seconded by Councilmember Phillips and approved unanimously by voice vote. The ordinance was thereupon adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: Burroughs-White.

02-135 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT
WEST SIDE OF RANKIN MILL ROAD NORTH OF HUFFINE MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for Mining and Quarrying Operations in a Heavy Industrial District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at a point in the existing Greensboro city limit line (as of April 30, 2002), said point being the northwest corner of ACL 4-189-464-N-26, recorded in Deed Book 4427, Page 205 in the Office of the Register of Deeds of Guilford County, North Carolina; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following 10 courses and distances: N 03° 39' 30" E 105.94 feet to a point, N 04° 03' 50" E 205.06 feet to a point, N 02° 53' 17" E 53.84 feet to an existing iron pipe, N 03° 49' 19" E 279.33 feet to a point, N 03° 45' 17" E 496.77 feet to a point, N 04° 24' 44" E 39.35 feet to an existing iron pipe, N 04° 24' 52" E 295.48 feet to an existing iron pipe, N 04° 28' 57" E 241.93 feet to an existing iron pipe, N 03° 42' 43" E 141.95 feet to an existing iron pipe, N 03° 21' 40" E 212.60 feet to an existing pipe, N 02° 40' 23" E 130.15 feet to an existing iron pipe, N 02° 40' 23" E 353.36 feet to a point in the south line of Everett R. and Ruby Kernodle (ACL 4-189-463-14), as recorded in Deed Book 1309, Page 554 in the Office of the Register of Deeds, said point also being located S 86° 27' 33" E 195.61 feet from an existing iron pipe being the southwest corner of Kernodle; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 86° 27' 33" E 1263.39 feet along Kernodle's south line to a point; thence along the west line of ACL 4-189-436-38, an east line of Kernodle, N 15° 45' 52" E 200.00 feet to the northwest corner of said ACL 4-189-436-38, a corner with Kernodle; thence along the north line of said ACL 4-189-436-38, a south line of Kernodle, S 86° 27' 33" E 448.69 feet to a point in the western right-of-way line of Rankin Mill Road, having a 60 foot right-of-way; thence along said western right-of-way line the following eight courses and distances: S 16° 18' 34" W 200.42 feet, S 13° 22' 32" W 327.57 feet, S 11° 42' 04" W 133.97 feet, S 14° 05' 46" W 208.73 feet, S 15° 26' 50" W 139.09 feet, S 19° 59' 20" W 125.00 feet, S 19° 56' 19" W 131.60 feet, S 20° 14' 34" W 381.34 feet, S 20° 26' 51" W 216.38 feet to point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 85° 35' 07" W 208.02 feet to a

point; thence along said existing city limits line being 200 feet west of and normal to the western right-of-way line of Rankin Mill Road and then the northwestern right-of-way line of Huffine Mill Road the following seven courses and distances: S 20° 58' 57" West 157.74 feet to a point in the south line of ACL 4-189-464-N-13, S 21° 28' 26" W 148.43 feet to a point, S 25° 38' 59" W 62.71 feet to a point in the south line of ACL 4-189-464-N-14, S 30° 05'30" W 63.57 feet to a point in the south line of ACL 4-189-464-N-15, S 34° 09' 30" W 106.19 feet to a point in the west line of ACL 4-189-464-N-9, S 20° 17' 59" W 109.76 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a westerly direction along the north lines of ACL 4-189-464-N-17, recorded in Deed Book 4982, Page 1804 in the Office of the Register of Deeds, and ACL 4-189-464-N-26 approximately 870 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Uses limited to mining and quarrying operations (borrow site for soil for landfill operations to maintain regulatory compliance).
- 2) Any borrow dirt taken from this area shall not be transported on any public street or roadway adjacent to this area.
- 3) Rankin Mill Road and Huffine Mill Road shall not be used as an entrance or exit to the landfill or the borrow area.
- 4) Emergency and service access may be provided from Rankin Mill Road only.
- 5) That Solid Waste Management will limit the hours of operation to daylight hours except in the case of extreme emergencies.
- 6) That dust control will be strictly applied and monitored.
- 7) That all sediment ponds and other erosion control devices shall be properly monitored and maintained.
- 8) A minimum 500' undisturbed buffer shall be maintained and an additional 100' buffer adjacent to Huffine Mill Road and Rankin Mill Road shall be maintained for a total undisturbed buffer on 600', except as provided in #12-16 below.
- 9) Where required, areas in the 500' buffer will be planted with evergreen trees of varieties indigenous to Guilford County.
- 10) Where required, areas in the 100' buffer adjacent to Rankin Mill Road and Huffine Mill Road will be planted with decorative shrubs nearest the roadway and with evergreen trees at 120' from the edge of roadway.
- 11) At 125' from the right-of-way (155' from the center) of Rankin Mill Road and Huffine Mill Road, a 6' high chain link fence will be installed to maintain regulatory compliance.
- 12) A 10' wide asphalt trail will be installed beginning on the east side of Nealtown Road across from Nealtown Park meandering in an east, northeast direction to connect with Keeley Park in the approximate location as shown on the attached map with design work to begin within 3 months and construction complete by August 2003.
- 13) There will be a 10' maintenance area provided on each side of the trail.
- 14) Trees may be removed as necessary within the 30' area.
- 15) Area will be supplemented with plantings.
- 16) A parking area for access to trail may be provided.
- 17) None of this property can ever be used as a landfill cell.

Section 3. For use as Mining and Quarrying Operations, this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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The City Manager advised that a briefing session with respect to the landfill would be held on July 23. Councilmember Burroughs-White advised that the meeting was open to the public but no time would be provided for speakers.

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Moving to the Consent Agenda, Councilmember Gatten moved adoption of all ordinances, resolutions and motions on the agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

02-117 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE 2002-03 FTA SECTION 5303 METROPOLITAN PLANNING GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Grant Project budget for the FY 2002-03 FTA Section 5303 Metropolitan Planning Grant be established for the life of the project as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4555-01.4000	Salaries and Wages	\$19,584
220-4555-01.4500	Fringe Benefits	5,876
220-4555-01.5413	Consultant Services	16,000
220-4555-01.5520	Seminar/Training Expenses	4,755
220-4555-01.5928	In-Kind Services	<u>5,135</u>
TOTAL		\$51,350

And, that this increase is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4555-01.7000	Federal Grant	\$41,080
220-4555-01.7110	State Grant	5,135
220-4555-01.8695	In-Kind Services	<u>5,135</u>
TOTAL		\$51,350

(Signed) Florence F. Gatten

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124-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE, UTILITY CONTRACTOR, INC. FOR SANITARY SEWER REHABILITATION PROJECT "E" IMPROVEMENTS

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. provides for sanitary sewer rehabilitation Project "E" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene, Utility Contractor, Inc. for Sanitary Sewer Rehabilitation Project "E" Improvements is hereby authorized at a total cost of \$500,000.00, payment of said additional amount to be made from Account No. 503-7012-01.6017.

(Signed) Florence F. Gatten

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125-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC. FOR SANITARY SEWER REHABILITATION PROJECT "F" IMPROVEMENTS

WHEREAS, Contract No. 2001-19 with Environmental Pipeline Rehabilitation, Inc. provides for sanitary sewer rehabilitation Project "F" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the Sanitary Sewer Rehabilitation Project "F" Improvements is hereby authorized at a total cost of \$500,000.00, payment of said additional amount to be made from Account No. 503-7012-02.6017.

(Signed) Florence F. Gatten

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126-02 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF CHAU KY F. VAN DOAN AND WIFE, THAO P. LE AND THU NGUYET THI DOAN AND THU HA DOAN FOR THE HILLTOP ROAD IMPROVEMENTS PROJECT

WHEREAS, in connection with the Hilltop Road improvements project, the property owned by Chau Ky F. Van Doan and wife, Thao P. Le and Thu Nguyet Thi Doan and Thu Ha Doan, Tax Map No. 11-684-C-867-23 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$13,061.39 and the owner has agreed to settle for the price of \$15,061.39, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$15,061.39 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 431-6002-49.6012 CBR 083.

(Signed) Florence F. Gatten

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127-02 RESOLUTION APPROVING THE REMOVAL OF LEAD PAINT REMEDIATION GRANT (FORGIVABLE LOAN) COSTS FROM THE COST CAP FOR REHABILITATION PROJECTS CARRIED OUT UNDER THE CITYWIDE HOMEOWNER REHABILITATION PROGRAM OR THE LEAD HAZARD CONTROL PROGRAM

WHEREAS, in July of 2001, program changes were initiated in the Citywide Homeowner Rehabilitation Program to incorporate lead paint regulations and increase the cost cap for the rehabilitation hard costs;

WHEREAS, due to these increased costs, projects are having to be turned down that cannot be brought in under the current cost cap or significantly reduce the amount of work that can be done;

WHEREAS, to date, lead paint hazard reduction activities do not yet provide an economic benefit to the property in the general market;

WHEREAS, by keeping the lead hazard control activities as a grant (forgivable loan) but removing them from the rehabilitation cost cap, the long term rehabilitation needs of property owners can be met more effectively.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the removal of lead paint remediation grant (forgivable loan) costs from the cost cap for rehabilitation projects carried out under the Citywide Homeowner Rehabilitation Program or the Lead Hazard Control Program is hereby approved.

(Signed) Florence F. Gatten

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128-02 RESOLUTION CALLING A PUBLIC HEARING FOR AUGUST 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON GRANDOVER, LIVE OAK DRIVE – 1.334 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 et seq. of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of July, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON GRANDOVER, LIVE OAK DRIVE – 1.334 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

Commencing at a point, said point being the southwestern corner of Lot 18 as recorded in Plat Book 135, Page 26 of the Guilford County Registry, said control corner having NC Grid Coordinates (NAD 83) of N: 818999.81, and E: 1737193.09; thence N 56° 32' 42" E 407.89 feet to the point of BEGINNING at a point in the existing city limits of the City of Greensboro (as of May 31, 2002); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 18° 45' 53" W 215.38 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 87° 39' 23" E 300.00 feet to a point; thence S 18° 45' 53" E 200.00 feet to a point; thence S 89° 33' 14" W 294.81 feet to the point and place of BEGINNING, and containing approximately 1.334 acres.

Section 2. The owner has to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after October 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 8/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after October 31, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That August 5, 2002, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than July 26, 2002.

(Signed) Florence F. Gatten

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02-136 ORDINANCE ESTABLISHING FY 02-03 GRANT PROJECT BUDGET FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT - MOBILE COMPUTER REPLACEMENT PROJECT

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

WHEREAS, the primary goal of the Local Law Enforcement Block Grant program is to provide funds to local law enforcement agencies to be used for the purchase of supplies and equipment, including mobile computers for use in police vehicles.

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for the Local Law Enforcement Block Grant – Mobile Computer Replacement Project, it is deemed in the best interest of the City to establish a special grant project ordinance for the Local Law Enforcement Block Grant – Mobile Computer Replacement Project FY 02-03, with the revenues and expenditures being established as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the grant project budget for the Local Law Enforcement Block Grant – Mobile Computer Replacement Project FY 02-03 be established and appropriated for the life of the project as follows:

<u>Account Number</u>	<u>Description</u>	<u>Estimated Expenditures</u>	<u>Estimated Revenues</u>
220-3572-01.5251	Capital Leases	\$389,785	
220-3572-01.7100	Federal Grant		\$316,429
220-3572-01.7104	Federal Forfeiture		\$ 38,631
220-3572-01.7856	Other Fee Reimbursements		<u>\$ 34,725</u>
			\$389,785
Total		\$389,785	\$389,785

(Signed) Florence F. Gatten

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129-02 RESOLUTION AUTHORIZING CONVEYANCE OF A 15' PERMANENT DRAINAGE EASEMENT TO ST. MARY'S CATHOLIC CHURCH

WHEREAS, the City of Greensboro owns property at the Windsor Community Center and Nocho Park adjacent to Saint Mary's Catholic Church located at 812 Duke Street, at Tax Map Number 103-2-1, said property being shown on the attached map;

WHEREAS, Saint Mary's is in the process of renovating and expanding its' parking lot and has requested a 15' easement connection to the existing 36 inch storm sewer located on the City's property;

WHEREAS, the Parks and Recreation Department has agreed to dedicate this easement to the church, which, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the conveyance of the above mentioned easement is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed dedicating said easement.

(Signed) Florence F. Gatten

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02-137 ORDINANCE AMENDING TELECOMMUNICATIONS FUND BUDGET FOR FY 2002-03

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Telecommunications Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Telecommunications Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
682-0701-02-5413	Consultant Services	\$437,880
682-0701-02.6059	Other Capital Equipment	<u>\$2,183,640</u>
Total		\$2,621,520

and, that this increase be financed by increasing the following Telecommunications Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
682-0000-00.8900	Appropriated Fund Balance	<u>\$2,621,520</u>
Total		\$2,621,520

(Signed) Florence F. Gatten

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02-138 ORDINANCE AMENDING GRANT PROJECT BUDGET FOR FY 02-03 MPO PLANNING WORK PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4555-01.4110	Salaries & Wages	\$50,000
220-4555-01.4130	Salaries & Wages Seasonal	5,000
220-4555-01.4510	FICA Contribution	3,000
220-4555-01.5211	Postage	1,000
220-4555-01.5212	Computer Software	5,000
220-4555-01.5213	Office Supplies	3,000
220-4555-01.5221	Advertising	3,000
220-4555-01.5222	Professional Organizational Dues	2,000
220-4555-01.5223	Subscriptions	500
220-4555-01.5224	Outside Planning	2,000
220-4555-01.5235	Small Tools & Equipment	500
220-4555-01.5239	Miscellaneous Supplies	1,000
220-4555-01.5254	Rental Equipment	500
220-4555-01.5261	Books	500
220-4555-01.5413	Consultant Services	386,090
220-4555-01.5431	In-House Printing	3,500
220-4555-01.5510	Business & Meeting Expenses	3,500
220-4555-01.5520	Seminar/Training Expense	5,000
220-4555-01.5928	In-Kind Services	121,273
220-4555-01.6059	Other Capital Equipment	<u>10,000</u>
Total		\$606,363

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4555-01.7110	State Grant	\$485,090
220-4555-01.8695	Local In-Kind Services	<u>121,273</u>
Total		\$606,363

(Signed) Florence F. Gatten

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02-139 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE STATE HAZMAT REGIONAL RESPONSE TEAM CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follow:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4059-01.5239	Miscellaneous	\$18,000
220-4059-01.5520	Seminar/Training	19,000
220-4059-01.4730	Worker's Compensation	5,000
220-4059-01.5428	Contracted Medical	<u>10,000</u>
Total		\$52,000

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4059-01.7110	State Grant	<u>\$52,000</u>
Total		\$52,000

(Signed) Florence F. Gatten

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130-02 JOINT RESOLUTION FOR THE FORMATION OF A CONSOLIDATED PUBLIC SAFETY
COMMUNICATION CENTER FOR GUILFORD COUNTY AND THE CITY OF GREENSBORO

Whereas, a committee of both City and County Public Safety Officials was formed in April of 2000 to study the feasibility of a combined communication center for Guilford County; and,

Whereas, this committee has researched the existing operational issues and future needs of Public Safety Communications in Guilford County; and,

Whereas, this committee has determined that given the current and future challenges of Public Safety in Guilford County, and the current and anticipated increase in population and volume of emergency calls, a consolidated communication center for the dispatch of all public safety calls should be established and jointly funded for Guilford County and the City of Greensboro.

NOW, THEREFORE, it is hereby resolved by the Guilford County Board of Commissioners and Greensboro City Council as follows:

1. The "County" and "City" will establish a combined public safety communication center for the answering of public safety calls, and the dispatch of those calls. This new structure will replace the current structure of two communication centers operating independently as two call answering locations.
2. A 911 committee of four representatives will oversee this process, one each appointed by the Guilford County Sheriff, Guilford County Emergency Services Director, City of Greensboro Police Chief, and the City of Greensboro Fire Chief. A new position will be created and implemented July 1, 2002 that will establish recommendations and provide oversight for the newly consolidated communication center. This new position will report and be amenable to the County and City manager until a reporting structure is created and agreed upon by both County and City governments. The City of Greensboro's Director of

Support Services will coordinate the hiring or contractual relationship of the individual. Funding for this position will be divided equally between Guilford County and the City of Greensboro, but the position will be a City of Greensboro position for pay administration purposes.

3. This individual will create recommendations for the organizational structure, identify resources necessary to create a professional well-structured combined Public Safety communication center, create an implementation plan for this new structure and develop an organization capable of maintaining the quality and variety of services public safety officials are accustomed to while enhancing the overall service to all our citizens.
4. Fixed organizational structure(s), capital investments and funding sources must be approved by agreement of the Guilford County Board of Commissioners and Greensboro City Council.

(Signed) Florence F. Gatten

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Motion to approve report of budget adjustments covering period June 1-30, 2002 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

.....

Motion to approve minutes of regular meetings of June 4 and June 18, 2002 and canceled meeting of 2 July 2002 was unanimously adopted.

.....

Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration to set the District One meeting on September 26, 2002; he noted this matter had been tabled at the regular meeting of 18 June 2002 pending confirmation of the requested date change.

After the Manager advised the date and location of this meeting had been confirmed, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

02-140 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a special meeting of the City Council for the purpose of conducting a district council meeting as follows: District 1, 6:00 p.m., Thursday, September 26, 2002 at Bluford Elementary School, 1901 Tuscaloosa Street.

Section 2. That this ordinance is effective immediately upon adoption.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Yvonne J. Johnson

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After the introduction by Mayor Holliday of an ordinance establishing in the amount of \$10,334,222 Fiscal Year 2002-03 Water Resources Capital Reserve Fund Budget and a brief explanation by the City Manager, Councilmember Vaughan moved its adoption. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

02-141 ORDINANCE ESTABLISHING FISCAL YEAR 2002-03 WATER RESOURCES CAPITAL RESERVE
FUND BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 2002-03 Water Resources Capital Reserve Fund Budget of the City of Greensboro is hereby established as follows:

<u>Description</u>	<u>Amount</u>
Transfer to Water Resources Capital Improvement Fund - Randleman Dam Project	\$10,334,222

And, that this increase is to be financed by the following revenue:

<u>Description</u>	<u>Amount</u>
Appropriated Fund Balance	\$10,334,222

(Signed) Donald R. Vaughan

.....

Mayor Holliday introduced a Resolution authorizing the City of Greensboro to enter into an agreement with the North Carolina Department of Transportation. He also introduced, so these matters could be discussed together, an ordinance establishing in the amount of \$70,600 Grant Project Budget for the Fiscal Year 2002 Advanced Technology Grant.

After brief remarks by the City Manager, Councilmember Carmany moved adoption of the resolution authorizing the City of Greensboro to enter into an agreement with the North Carolina Department of Transportation. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

131-02 RESOLUTION AUTHORIZING THE CITY OF GREENSBORO TO ENTER INTO AN AGREEMENT
WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the North Carolina Department of Transportation provides state funds to support technology projects for urban transit systems; and

WHEREAS, the City of Greensboro has requested the North Carolina Department of Transportation to assist in the funding of computer hardware upgrades and other components for the Greensboro Department of Transportation - Public Transportation Division; and

WHEREAS, the City of Greensboro will provide ten percent of the costs of the above described project.

NOW THEREFORE, BE IT RESOLVED that the City of Greensboro Manager is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

(Signed) Sandy Carmany

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After brief comments with regard to Councilmember Phillips' concerns with expenditures related to the Depot, Councilmember Vaughan moved adoption of the ordinance establishing in the amount of \$70,600 Grant Project Budget for the Fiscal Year 2002 Advanced Technology Grant. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson and Vaughan. Noes: Phillips

02-142 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE 2001-02 NCDOT ADVANCED TECHNOLOGY GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Grant Project budget for the 2001-02 NCDOT Advanced Technology Grant be established for the life of the project as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4548-01.5235	Personal Computers	\$ 28,600
565-4548-01.6059	Other Capital Equipment	<u>42,000</u>
Total		\$ 70,600

And, that this increase is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4548-01.7110	State Grant	\$ 63,540
565-4548-01.9564	Transfer from Transit Fund	<u>7,060</u>
Total		\$ 70,600

(Signed) Donald R. Vaughan

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Mayor Holliday introduced a resolution approving Capital Fund Expenditures from a portion of the seventy percent (70%) net proceeds of the Occupancy Tax received by the Greensboro/Guilford County Tourism Development Authority from the original Guilford County three percent (3%) Room Occupancy Tax for the expansion of the Coliseum Special Events Center.

The Manager explained that these expenditures must be approved by the Council, the Guilford County Commissioners and the Greensboro Guilford County Tourism Development Authority. He stated that this action would approve the use of certain revenues from this fund for the purposes of expanding the Coliseum Special Events Center and offsetting Coliseum expansion debt.

Henry Fourrier, President of the Greensboro Area Convention and Tourism Bureau, reiterated the need to expand the Events Center to better accommodate customers and simultaneously host multiple events; he provided details with regard to the proposed expansion and requested Council to approve the resolution.

After Councilmember Carmany briefly spoke to War Memorial Commission discussions with regard to the need for more space to accommodate various current and future events, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

132-02 RESOLUTION APPROVING CAPITAL FUND EXPENDITURES FROM A PORTION OF THE SEVENTY PERCENT (70%) NET PROCEEDS OF THE OCCUPANCY TAX RECEIVED BY THE GREENSBORO/GUILFORD COUNTY TOURISM DEVELOPMENT AUTHORITY FROM THE ORIGINAL GUILFORD COUNTY THREE PERCENT (3%) ROOM OCCUPANCY TAX FOR THE EXPANSION OF THE COLISEUM SPECIAL EVENTS CENTER

WHEREAS, in 1989 the General Assembly amended an act permitting Guilford County to levy a three percent (3%) room occupancy and tourism development tax;

WHEREAS, after allocating \$170,000.00 for specific tourist-related events or activities, the remaining portion of twenty percent (20%) of the seventy percent (70%) net proceeds of the occupancy tax received by the Authority shall go to the City of Greensboro for convention and tourism capital improvements;

WHEREAS, in the opinion of the Greensboro/Guilford County Tourism Development Authority, existing and future revenues, not to exceed \$1,450,000.00, in this capital fund should be expended for the following Coliseum improvements:

1. Expansion of the Coliseum Special Events Center by 30,000 square feet by erecting a foundation and pavilion structure attached to Hall C not to exceed \$950,000.00 for fiscal year 2002-2003.
2. That Coliseum expansion debt of \$250,000.00 for each of the fiscal years 2002-2003 and 2003-2004 will be covered from this capital fund.

WHEREAS, by law, the approval of such expenditures shall be a joint decision by the Greensboro City Council, the County Commissioners and the Greensboro/Guilford County Tourism Development Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council of the City of Greensboro hereby approves the expenditures of existing and future revenues, not to exceed \$950,000.00 from the above mentioned capital fund for the purpose of the above expansion of the Coliseum Special Events Center.
2. That the City Council of the City of Greensboro hereby approves the expenditures of existing and future revenues, not to exceed \$250,000.00 from the above mentioned capital fund for the purpose of offsetting Coliseum expansion debt for the fiscal year 2002-2003, and that the City Council of the City of Greensboro hereby approves the expenditures of existing and future revenues through a non-binding pledge, not to exceed \$250,000.00 from the above mentioned capital fund for the purpose of offsetting Coliseum expansion debt for the fiscal year 2003-2004.
3. That the Authority is authorized to enter into a Memorandum of Understanding with the Greensboro City Manager to implement the above-mentioned improvements. All transactions pursuant to this resolution shall be undertaken in strict compliance with applicable laws and this approval is subject to applicable laws.
4. That the expenditure of these funds shall rescind any previous allocations of the city capital fund discussed or voted on by the Guilford County Commissioners, Greensboro City Council and Greensboro/Guilford County Tourism Development Authority.

(Signed) Thomas M. Phillips

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Mayor Holliday announced that this was the hour and day fixed by the City Council for the public hearing upon the proposed financing, pursuant to an installment financing agreement (the "Installment Financing Agreement") with Greensboro Center City Corporation, a North Carolina nonprofit corporation (the "Corporation"), of (i) the refunding of the Corporation's Certificates of Participation (1991 Parking Facilities Project) (the "1991 Certificates") and (ii) the construction of improvements to, and renovation of, the City's Davie Street Parking Deck, and that the City Council would hear anyone who may wish to be heard with respect to the Installment Financing Agreement.

As a matter of information, the Finance Director of the City described the proposed refunding and the nature of the improvements to, and renovations of, the Davie Street Parking Deck and the installment payments to be made by the County under the Installment Financing Agreement.

No one appeared, either in person or by attorney, to be heard with respect to the proposed Installment Financing Agreement, and the City Clerk announced that no written statement relating to said matter had been received.

Thereupon Mayor Holliday introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title and summarized by the City Manager:

RESOLUTION DIRECTING FILING OF APPLICATION FOR APPROVAL
BY LOCAL GOVERNMENT COMMISSION OF INSTALLMENT FINANCING
AGREEMENT TO FINANCE REFUNDING OF 1991 CERTIFICATES AND
CONSTRUCTION OF IMPROVEMENTS TO, AND RENOVATION OF,
DAVIE STREET PARKING DECK

BE IT RESOLVED by the City Council (the "City Council") of the City of Greensboro, North Carolina:

Section 1. The City Council does hereby find, determine and declare as follows:

(a) The City of Greensboro, North Carolina (the "City") proposes to finance (i) the refunding of \$13,105,000 Certificates of Participation (1991 Parking Facilities Project) (the "1991 Certificates") executed and delivered by Greensboro Center City Corporation (the "Corporation") and (ii) the construction of improvements to, and renovation of, the City's Davie Street Parking Deck (the "Project"), pursuant to an installment financing agreement (the "Installment Financing Agreement") with the Corporation under which the Corporation will finance (i) the refunding of the 1991 Certificates and (ii) the Project, and the City will make Installment Payments (as defined in the Installment Financing Agreement) in amounts sufficient to pay the principal and interest with respect to Certificates of Participation (City of Greensboro Parking Facilities Project), Series 2002 (the "2002 Certificates"), to be issued and sold by the Corporation for the purposes of financing (i) the refunding of the 1991 Certificates and (ii) the Project, it being the express intention of the City Council that only the principal amount of 2002 Certificates necessary to accomplish the purposes stated in the Installment Financing Agreement will be issued (estimated not to exceed \$15,000,000 principal amount).

(b) The Project is necessary in order to provide parking facilities essential to the administration of the government of the City and the public health, safety and welfare of its citizens.

(c) Based on advice from the City's investment bankers as to current tax-exempt interest rates, the sums to fall due under the Installment Financing Agreement are not excessive for its stated purposes; moreover, the estimated cost of the Project is not excessive.

(d) The City Attorney has rendered an opinion that the proposed undertakings are authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(e) The Installment Financing Agreement, under the circumstances presently obtaining, is preferable to a general obligation bond issue for this purpose. The City's current fund balance is, in light of other requirements and prudent fiscal management, insufficient to fund the cost of the Project, the City does not have the ability to issue sufficient non-voted bonds under the provisions of Article V, Sec. 4 of the North Carolina Constitution, for the purposes

of financing the Project, and voting general obligation bonds for this purpose will result in unacceptable delay and additional cost to the City.

(f) The estimated cost of financing the Project pursuant to the Installment Financing Agreement compares reasonably with an estimate of similar cost for general obligation bond financing therefore. The primary difference in cost results from higher issuance costs, but this amount is insignificant when compared to the total cost of financing the Project.

(g) The debt management policies of the City have been carried out in strict compliance with law, including the filing of all required audits and reports with the Local Government Commission, and the City is within its statutory debt limit and is not in default with respect to any of its outstanding indebtedness.

(h) The City estimates that no increase in the property tax rate will be required to raise sums to pay the estimated debt service to fall due under the Installment Financing Agreement for all of its stated purposes.

(i) The City has made timely payment of all sums owed by it with respect to the payment of principal of and interest on all of its outstanding debt obligations and has received no notice from the Local Government Commission or any holder concerning the City's failure to make any required payment of debt service.

Section 2. The Local Government Commission is hereby requested to approve the proposed Installment Financing Agreement pursuant to the provisions of Article 8 of Chapter 159 of the General Statutes of North Carolina, and the Finance Director is directed to complete all applications and execute all other documents required in connection with obtaining such approval.

Section 3. All actions heretofore taken by the City Manager and the Finance Director in connection with the Installment Financing Agreement and the 2002 Certificates, including retaining bond counsel and selecting investment bankers and a trustee, are hereby ratified and confirmed.

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney announced that she had approved as to form the foregoing resolution.

Thereupon, upon motion of Councilmember Sandra G. Carmany, seconded by Councilmember Donald R. Vaughan, the foregoing resolution was passed by roll call vote as follows:

Ayes: Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Keith A. Holliday, Yvonne J. Johnson, Thomas M. Phillips and Donald R. Vaughan.

Noes: None.

Mayor Holliday thereupon announced that the foregoing resolution has passed by a vote of 7 to 0.

* * * * *

Mayor Holliday introduced a resolution approving increase of \$35,802 to the Federally-funded HOME loan to the Raymond S. King Apartments Limited Partnership.

The Manager noted that Items 33 and 34 were received late in the agenda preparation process and requested that Andy Scott, Housing and Community Development Department Director, provide an explanation of the items. Mr. Scott stated that Item #33 involved increasing the original loan amount due to a \$35,802 cost overrun for the rehabilitation work.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

133-02 RESOLUTION APPROVING INCREASE TO THE FEDERALLY-FUNDED HOME LOAN TO THE RAYMOND S. KING APARTMENTS LIMITED PARTNERSHIP

WHEREAS, in December 1995, a federally funded HOME loan in the amount of \$742,444.00, with the Raymond S. King Apartments Limited Partnership was closed by the City;

WHEREAS, the principal balance remaining on said loan is \$722,368.00;

WHEREAS, during the rehabilitation a cost overrun of \$35,802.00 was incurred, increasing the original loan amount to \$778,246.00 with repayment of the additional funds to be the same as the original loan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That an increase in the amount of \$35,802.00 to the original 1995 federally funded HOME loan to the Raymond S. King Apartments Limited Partnership is hereby approved.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced a resolution approving the release, with specific qualifications, of the escrow reserve account for Raymond S. King Transitional Apartments.

Stating that the repayment process involved with loans of this nature were complicated, Mr. Scott spoke to the way this loan agreement was originally structured. He explained the agreement provided for three reserve accounts with the Escrow Reserve Account being a special reserve funded from the proceeds of the low-income-housing tax credit syndication with the use of these funds being limited to 1)payment of rent subsidies, housing assistance and such other payments determined to be reasonable and necessary to assist qualified residents occupying the project; 2)payment of necessary repairs and improvements that cannot be funded from project revenues; and 3)payment of other project expenses determined to be necessary.

After brief discussion, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None.

134-02 RESOLUTION APPROVING THE RELEASE, WITH SPECIFIC QUALIFICATIONS, OF THE ESCROW RESERVE ACCOUNT FOR RAYMOND S. KING TRANSITIONAL APARTMENTS

WHEREAS, in 1995 the City entered into a Loan Agreement with Raymond S. King Apartments Limited Partnership, Project Homestead, Inc. as its General Partner for the renovation of 22 units in the Benjamin-Benson Neighborhood in the amount of \$742,444.00;

WHEREAS, the Agreement provides for three reserve accounts, one of which is an Escrow Reserve account, which was established as part of an agreement over the treatment of the use of proceeds from the syndication of the low-income-housing tax credits;

WHEREAS, the principal focus of the Escrow Reserve Account is the payment of rent subsidy and it can also be used for payment of repairs and improvements to the premises and other project expenses, said account currently having a balance of \$91,449.86 which has grown from an original deposit of \$85,000.00;

WHEREAS, Project Homestead is requesting that the City amend the original Loan Agreement to allow Project Homestead to withdraw these funds and direct them in its efforts to acquire and renovate the historic Sebastian House located across the street from the L. Richardson Hospital Project subject to specific qualifications as set out below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the amendment to the Loan Agreement between the City and Project Homestead releasing the Escrow Reserve Account to allow Project Homestead to withdraw these funds and direct them to the acquisition and renovation of the Sebastian House is hereby approved subject to the following qualifications:

1. Approval by the limited Partners of Raymond S. King Apartments Limited Partnership.
2. An opinion letter from an attorney representing WNC and Associates (the syndication) that the transaction will not affect the tax credits status of the project.
3. Approval from the North Carolina Housing Finance Agency.
4. Proof to the City that the Capital Replacement and Operating Reserve is fully funded under the terms of the Loan Agreement.

(Signed) Thomas M. Phillips

(A copy of Mr. Scott's memorandum with regard to this matter is filed with the resolution and is hereby referred to and made a part of these minutes.)

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The Mayor declared a recess at 9:55 p. m.

The meeting reconvened at 10:05 p. m. with all members of Council present except Councilmembers Jessup and Perkins who were excused earlier in the meeting.

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James Moore, residing at 1446-B Bridford Parkway, spoke to the current water shortage in Greensboro and offered what he believed to be a water conservation suggestion that would decrease the amount of water used in commodes. After brief remarks by Mr. Williams, Mr. Moore was commended for bringing his suggestions to Council.

After inquiries with regard to efforts to involve local colleges and universities with water conservation through the use of available water saving devices, the Manager stated that staff would contact these educational facilities and offer suggestions.

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David Hoggard, residing at 108 Cypress Street, representing the Aycock Neighborhood Association, provided an update with regard to the Aycock Neighborhood Master Plan which would identify assets in the neighborhood. He advised that Phillip Bess, an architect and expert on neighborhoods and baseball stadiums, had recently toured the neighborhood and presented his ideas at a recent Association meeting. Stating that Mr. Bess agreed with the Association members that the War Memorial Stadium was a unique, historic facility, he advised of the Association's efforts to secure monetary donations to hire Mr. Bess to conduct a study for stadium renovations and neighborhood improvements.

Councilmember Burroughs-White encouraged Council to meet with Mr. Hoggard to receive additional information about the master plan and provide feedback.

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Councilmember Johnson added the name of Anthony L. Dillard to the boards and commissions data bank for consideration for future service on the Library Board of Trustees.

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Councilmember Vaughan distributed information from the Grove Street Neighborhood Association in the Glenwood area, spoke to their efforts to preserve the neighborhood and stated that additional information might be forthcoming prior to the District One Council Meeting on September 26.

Councilmember Vaughan spoke to concerns of the Brandt Village Association regarding dumpster service and fees; he noted City staff was working to respond to these concerns.

Councilmember Vaughan shared pictures of construction on New Garden Road and requested staff to investigate water runoff at this area.

After an inquiry by Councilmember Vaughan with regard to the availability of water barrels, Mr. Williams provided a status report with regard to the program. Noting the extraordinary popularity of the program, he advised the private sector was being encouraged to consider providing this service in the future.

Councilmember Vaughan spoke to the Greensboro Police Department's celebration of the annual National Night Out and suggested interested citizens contact that Department for information.

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Councilmember Burroughs-White confirmed that Robert Faison had been added to the boards and commissions data bank.

Councilmember Burroughs-White moved that Dianne Munden be appointed to serve a term on the Community Resource Board in the position formerly held by Mazie Ferguson; this term will begin 15 August 02 and end 15 August 05. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White requested that staff contact and meet with the Aycock Neighborhood Association to explain the proposed tower project to be located behind the Parks and Recreation Curb Market. After Assistant City Manager Johnson spoke to various aspects of the proposed project that would allow vendors to negotiate with the City for co-location on the tower, provide significant source of revenue for the City, etc., he advised staff would contact the Association to explain the project.

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Councilmember Carmany provided an update with respect to Piedmont Authority for Regional Transportation (PART); i.e., a new program, *PART Connections*, which would coordinate various out of town medical trips; and a status report with regard to the contract for a regional bus system.

After Councilmember Carmany spoke to an incident involving the receipt by a new homeowner of a delinquent water bill for a former tenant that was being addressed by the Water Resources Department, Mr. Williams explained the unique circumstances involved. After brief discussion, Councilmember Carmany requested the Water Resources Department staff to develop a more customer-friendly notification letter; Councilmember Johnson suggested that staff might better educate citizens to minimize the need for delinquent notices.

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In response to Councilmember Vaughan's inquiry regarding the installation of a light at the pedestrian crossing in the jail/courthouse area, the City Manager advised the design was forthcoming.

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Councilmember Gatten provided a detailed update with respect to the intense process involved with the work of the Historic District Guidelines Review Committee, a sub-committee of the Historic Preservation Commission, to provide clear, comprehensive, and user-friendly guidelines.

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Speaking to the Bryan Foundation's ongoing support of Bryan Park, Councilmember Phillips stated that if the City planned to explore the feasibility of privatizing management at Bryan Park, he would request that City staff contact the Foundation and work with them to ensure that the Foundation staff was actively involved in the process and would remain involved with Bryan Park.

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Councilmember Phillips spoke to recent reports that gave the impression that the City had not been actively addressing concerns/problems in the Glenwood neighborhood. He detailed Police and Inspections' staff attendance at neighborhood meetings and provided statistics with regard to the number of housing inspections, nuisance lots and abandoned vehicles that City staff had addressed in this neighborhood. The Manager also advised the Police Department staff could cite additional efforts with the community.

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Council discussed various events and issues of interest. A number of comments were made about the Fun Fourth celebration and fireworks.

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Mayor Holliday requested that the Greensboro Department of Transportation investigate pipes left at Jefferson and New Garden Roads by the North Carolina Department of Transportation after completion of a project at that location. He stated these pipes were an eyesore and believed they could be dangerous to the public.

The Mayor noted he would visit Raleigh on 17 July 02 to encourage Legislators to adopt the ½ cent local option sales tax.

Advising that a number of board/commission positions were scheduled to expire on 15 August 02, the Mayor encouraged Council to be prepared to take action to reappoint or replace individuals who served in these positions.

The Mayor noted the formation of a Task Force with representatives from the City Council, the United Arts Council staff, the arts community and City staff to discuss and develop a long-term solution with respect to charging fees for space at the Cultural Arts Center. Council briefly discussed the appointees to the Task Force and the desire to ensure that both sides of the issue were represented. Councilmember Carmany and the Mayor also advised that a similar group would be formed to revisit the Human Services funding issue.

Mayor Holliday stated that because of Police National Night Out being held on Tuesday, August 6, the City Council would meet on Monday, August 5, so Council could participate in various neighborhood events.

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At the request of the City Manager, Councilmember Vaughan moved that the City Council adjourn to Closed Session for the purpose of discussing acquisition of real estate. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10:58 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
